

PATENT  
Attorney Docket No. 102.0001-13000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Gary Karlin Michelson )  
Serial No.: 10/685,776 )  
Filed: October 15, 2003 )  
For: METHOD FOR FORMING THROUGH )  
A GUARD AN IMPLANTATION SPACE )  
IN THE HUMAN SPINE )

Confirmation No.: 6323  
Group Art Unit: 3764  
Examiner: (Michael Brown)

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed non-U.S. patent documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

English translations of the non-English documents are enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

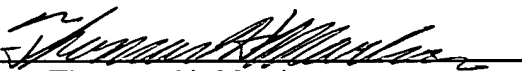
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

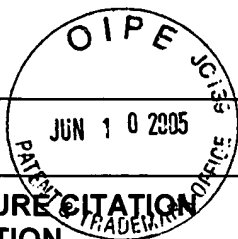
MARTIN & FERRARO, LLP

Date: June 10, 2005

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Substitute for FORM PTO-1449		Attorney Docket Number 102.0001-13000	Customer No. 22882	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>		Applicant Gary Karlin Michelson		Application Number 10/685,776
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date October 15, 2003	Group Art Unit 3764	Examiner (M. Brown)

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,313,434	2/1982	Segal			
	4,373,217	2/1983	Draenert			
	4,488,549	12/1984	Lee et al.			
	4,494,535	1/1985	Haig			
	4,522,201	6/1985	Tongue			
	4,627,434	12/1986	Murray			
	4,843,112	6/1989	Gerhart et al.			

**FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

	Olerud, Sven et al.; TRANSPEDICULAR FIXATION OF THORACOLUMBAR VERTEBRAL FRACTURES; No. 227; February 1988; pp. 44-51.
	INTERNAL FIXATION OF THORACIC AND LUMBAR SPINE FRACTURES; Hans Huber Publishers; pp. 11, 39, 44-46, 70-72, and 93.
	Edeland, H.G.; OPEN REDUCTION OF CENTRAL COMPRESSION FRACTURES OF THE TIBIAL PLATEAU, Preliminary Report of a New Method and Device Arrangement; Acta orthop. scand. 47, 1976; pp. 686-689.
	Daniaux, H.; TRANSPEDIKULÄRE REPOSITION UND SPONGIOSAPLASTIK BEI WIRBELKÖRPERBRÜCHEN DER UNTEREN BRUST- UND LENDENWIRBELSÄULE; Unfallchirurg No. 89, Springer-Verlag 1986; pp. 197-213; with translation
	Nicola, Nikolaus et al.; VERTEBRAL HEMANGIOMA: RETROGRADE EMBOLIZATION-STABILIZATION WITH METHYL METHACRYLATE; Surg Neurol 1987; No. 27; pp. 481-486.
	Radiological Society of North America; RSNA SCIENTIFIC PROGRAM, 74 <sup>th</sup> SCIENTIFIC ASSEMBLY AND ANNUAL MEETING.
	Galibert, P. et al.; NOTE PRÉLIMINAIRE SUR LE TRAITEMENT DES ANGIOMES VERTÉBRAUX PAR VERTÉBROPLASTIE ACRYLIQUE PERCUTANÉE; Neurochirurgie; No. 33; 1987; pp. 166-168; with translation.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.